



IFW

PATENT
ATTORNEY DOCKET NO.: 062587-5006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:)
)
Henrich HAAS *et al.*)
)
Application No.: 10/525,384) Group Art Unit: 1615
)
Filed: February 23, 2005) Examiner: Unassigned
)
FOR: NON-VESICULAR CATIONIC LIPID)
FORMULATIONS)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Missing Parts**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the Official Filing Receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested. There are errors with respect to the following data:

1. The Name of an inventor is omitted.

Please add the following Name as the third inventor for this application.

Inventor

Ursula Fattler

Residence

Munchen Germany

2. The priority information under line 2 under Foreign Applications is incorrect

Error In

European Patent Office (EPO) EP0306760 08/23/2002

Please replace with the following Data:

Correct Data

PCT/EP03/06760

06/26/2003

The requested corrections are marked in red in the attached copy of the filing receipt.

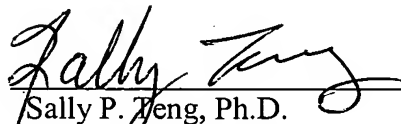
Regarding the omission of the third inventor, we note that a copy of the Rule 92bis requesting the addition of "Ursula Fattler" as an inventor, filed at the International Bureau (IB) on February 2, 2005, was submitted with the papers for filing the above identified U.S. national stage application (see enclosed copy of stamped postcard receipt, item #9). For your convenience, we have enclosed another copy of the Rule 92bis filed with the IB on February 2, 2005, and a copy of PCT/IB/306 (Notification of the Recording of a Change) confirming the addition of "Ursula Fattler" as an inventor to the application issued by the IB (IB). We have also enclosed a new Combined Declaration and Power of Attorney executed by all three inventors.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310 under client matter number 062587-5006.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: September 20, 2005
Morgan Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. No.: 202-739-3000
SPT:mk

By:


Sally P. Teng, Ph.D.
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/525,384	02/23/2005	1615	550	062587-5006	6	24	1

09629
 MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004

CONFIRMATION NO. 3937

FILING RECEIPT



OC000000016365449

Date Mailed: 06/27/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Heinrich Haas, Munchen, GERMANY;
 Toralf Peymann, Munchen, GERMANY;
 Ursula Fattler, Munchen Germany

Power of Attorney: The patent practitioners associated with Customer Number 09629.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/09398 08/25/2003

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 02018907.2 08/23/2002
~~EUROPEAN PATENT OFFICE (EPO) EP0306760 08/23/2002~~
 PCT/EP03/06760 6/26/2003

Projected Publication Date: 09/29/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

RECEIVED

Non-vesicular cationic lipid formulations
 JUL 01 2005

MORGAN, LEWIS & BOCKIUS LLP

7/1



WEICKMANN & WEICKMANN

Patentanwälte

European Patent Attorneys · European Trademark and Design Attorneys

WEICKMANN & WEICKMANN, Postfach 860 820, 81635 München

Beforehand by telecopy!

Organisation Mondiale de la
Propriété Intellectuelle
Case Postale 18

1211 Genève 20
SCHWEIZ

cc.: EPO

Dipl.-Ing. H. WEICKMANN (bis 2001)
Dipl.-Ing. F. A. WEICKMANN
Dipl.-Chem. B. HUBER
Dr.-Ing. H. LISK
Dipl.-Phys. Dr. J. PRECHTEL
Dipl.-Chem. Dr. B. BÖHM
Dipl.-Chem. Dr. W. WEISS
Dipl.-Phys. Dr. J. TIESMEYER
Dipl.-Phys. Dr. M. HERZOG
Dipl.-Phys. B. RUTTENSBERGER
Dipl.-Phys. Dr.-Ing. V. JORDAN
Dipl.-Chem. Dr. M. DEY
Dipl.-Forstw. Dr. J. LACHNIT
LL.M. Dr. U. W. HERBERTH
Dr.-Ing. H.-J. TROSSIN
* Rechtsanwalt

IHR ZEICHEN / YOUR REF.

—

UNSER ZEICHEN / OUR REF.

31422P WO/WWab

DATUM / DATE

Feb. 02, 2005

amtliches Aktenzeichen:

PCT/EP03/09398

Anmelder bzw. Inhaber

Munich Biotech AG

The recordal of a change of the applicant is requested based on Rule 92bis from the former applicant Munich Biotech AG to the firm

MediGene Oncology GmbH
Lochhamer Str. 11
82152 Planegg/Martinsried
Germany.

The new applicant also is represented by our office.

Further, please add an additional inventor/applicant for U.S. only as follows:

BEST AVAILABLE COPY

Postfach 860 820
81635 München
Kopernikusstraße 9
81679 München
Deutschland

Telefon (089) 45563 0
(0700) WEICKMAN
Telefax (089) 45563 999
E-Mail email@weickmann.de
Internet www.weickmann.de
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Hypovereinsbank München
Konto 208 401 (BLZ 700 202 70)
S.W.I.F.T.-Adresse HYVE DE MM
Postbank München
Konto 77 46-804 (BLZ 700 100 80)
S.W.I.F.T.-Adresse PBNKDEFF 700

FATTLER, Ursula
Otto-Kohlhofer-Weg 3
81375 München
Germany

Please confirm the change by return confirmation.

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PATENT COOPERATION TREATY

PCT



Weickmann & Weickmann

E 7. FEB. 2005

From the INTERNATIONAL BUREAU

Patentanwälte

To:

WEICKMANN & WEICKMANN
Postfach 860 820
81635 München
Germany

NOTIFICATION OF THE RECORDING
OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

Date of mailing (day/month/year) 19 February 2005 (19.02.2005)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 31422P WO	
International application No. PCT/EP2003/009398	International filing date (day/month/year) 25 August 2003 (25.08.2003)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

MUNICH BIOTECH AG
Forstenriederstr. 10
82061 Neuried
Germany

State of Nationality

DE

State of Residence

DE

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

MEDIGENE ONCOLOGY GMBH
Lochhamer Strasse 11
82152 Planegg/Martinsried
Germany

State of Nationality

DE

State of Residence

DE

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.70.80

Authorized officer

Brigitte WYSS

Telephone No. (41-22) 338 8366

PATENT COOPERATION TREATY 19 MAR. 2005

Frist:
Patentanwälte

From the INTERNATIONAL BUREAU

To:

WEICKMANN & WEICKMANN
Postfach 860 820
81635 München
GermanyNOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

Date of mailing (day/month/year)

14 March 2005 (14.03.2005)

Applicant's or agent's file reference

31422P WO

Med. gene

IMPORTANT NOTIFICATION

International application No.

PCT/EP2003/009398

International filing date (day/month/year)

25 August 2003 (25.08.2003)

1. The following indications appeared on record concerning:



the applicant



the inventor



the agent



the common representative

Name and Address

State of Nationality

**

State of Residence

DE

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:



the person



the name



the address



the nationality



the residence

Name and Address

FATTLER, Ursula
Otto-Kohlhofer-Weg 3
81375 München
Not applicable

State of Nationality

**

State of Residence

DE

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

The person identified in Box 2 should be added to the record as applicant for the United States of America only and inventor for all designated States.

4. A copy of this notification has been sent to:



the receiving Office



the International Searching Authority



the International Preliminary Examining Authority



the designated Offices concerned



the elected Offices concerned



other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.70.80

Authorized officer

Brigitte WYSS

Telephone No. (41-22) 338 8366

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PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:
National Stage of International Application No. PCT/EP2003/009398
under 35 U.S.C. 371

For: NON-VESICULAR CATIONIC LIPID FORMULATIONS

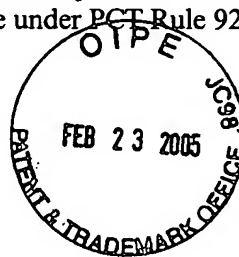
Inventor(s): Heinrich HAAS, et al.

MAIL STOP PCT

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1. Please charge Deposit Acct. No. 50-0310 in the amount of \$600.00.
2. Transmittal Letter concerning a filing under 35 U.S.C. § 371.
3. Published WO 2004/017943 A2 (Specification of International Application No. PCT/EP2003/009398 including 41 pages of specification (including 4 pages of claims), and 6 pages of Drawings (including 5 Figures))
4. Preliminary Amendment
5. Published WO 2004/017943 A3 (Cover Page Only)
6. International Search Report
7. PCT/RO/101 together with the Declaration
8. International Preliminary Examination Report
9. Request for the recordal of a change under PCT Rule 92 Bis

Dated: February 23, 2005
Attorney Docket No.: 062587-5006
SPT/fs



DOCKETED

By LL Date 2/24/05



COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

ATTORNEY DOCKET NO.: 062587-5006

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NON-VESICULAR CATIONIC LIPID FORMULATIONS

The specification of which:

is attached hereto; or

was filed as United States application Serial No. _____ on _____ and was amended on _____ (if applicable); or

was filed as PCT international application Number PCT/EP2003/009398 on August 25, 2003 and was amended under PCT Article 19 On _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

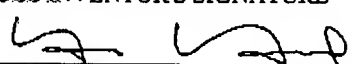

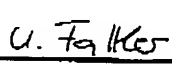
I acknowledge the duty to disclose to the U.S. Patent and Trademark Office information which is material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate or Section 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

PRIOR FOREIGN APPLICATION(S):

COUNTRY (if PCT, indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
PCT	PCT/EP2003/006760	26 June 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
EP	02 018 907.2	23 August 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Combined Declaration for Patent Application and Power of Attorney - (Continued) (includes Reference to PCT International Applications) ATTORNEY DOCKET NO.: 062587-5006					
I hereby claim the benefits under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.					
U.S. PROVISIONAL APPLICATIONS					
U.S. PROVISIONAL APPLICATION NO.			U.S. FILING DATE:		
I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT:					
U.S. OR PCT INTERNATIONAL APPLICATIONS			STATUS (Check One)		
APPLICATION NO.	FILING DATE	PATENTED	PENDING	ABANDONED	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number. Customer Number: 09629					
Direct Telephone Calls To: <div style="text-align: center;">202-739-3000</div>					

Combined Declaration for Patent Application and Power of Attorney - (Continued) (includes Reference to PCT International Applications) ATTORNEY DOCKET NO.: 062587-5006		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.		
FULL NAME OF SOLE OR FIRST INVENTOR	Heinrich HAAS	
RESIDENCE & CITIZENSHIP	München, Germany	COUNTRY OF CITIZENSHIP Germany
POST OFFICE ADDRESS	Einsteinstr. 104, 81675 München, Germany Waltherstr. 28, 80337	
FIRST OR SOLE INVENTOR'S SIGNATURE	DATE	
X 	X 08.04.05	
FULL NAME OF SECOND INVENTOR	Toralf PEYMANN	
RESIDENCE & CITIZENSHIP	München, Germany	COUNTRY OF CITIZENSHIP Germany
POST OFFICE ADDRESS	Fürstenriederstr. 233, 81377 München, Germany	
SECOND INVENTOR'S SIGNATURE	DATE	
X 	X 03/30/05	
FULL NAME OF THIRD INVENTOR	Ursula FÄTTLER	
RESIDENCE & CITIZENSHIP	München, Germany	COUNTRY OF CITIZENSHIP Germany
POST OFFICE ADDRESS	Otto-Kohlhofer-Weg 3, 81375 München, Germany	
X 		DATE X 08.04.05

Listing of Inventors Continued on attached page(s): ☐ Yes ☒ No